

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CRAIG CUNNINGHAM,

Plaintiff,

 γ

**ON DECK CAPITAL, INC., ENOVA
INTERNATIONAL, INC., and
JOHN/JANE DOES 1-5.**

Defendants.

Case No. 1:20-cv-10621-AJN

DECLARATION OF HITESH PATEL
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Hitesh Patel, hereby declare and state as follows:

1. I have personal knowledge of the following facts based on my experience at OnDeck Capital, Inc. ("OnDeck"), my experience with the telephone at issue, and OnDeck's business records. If called as a witness, I could and would testify competently as to the truth of the facts in this declaration.

2. I submit this declaration in support of OnDeck's and Enova International, Inc.'s Motion to Dismiss Craig Cunningham's Complaint.

3. I am the Contact Center Administrator for OnDeck. My responsibilities include managing the rules, policies and procedures for calls placed from OnDeck's Contact Center, as well as certain compliance items related to the Contact Center. I have worked at OnDeck for approximately one year.

4. In this role, I have become familiar with OnDeck's calling records related to calls placed from OnDeck's Contact Center. These calling records were made by a person with knowledge of the events described therein, at or near the time of the events described, and made

and/or kept in the ordinary course of the regularly conducted business activity. I am familiar with the way in which these business records are kept.

5. OnDeck's records show that OnDeck placed a call to telephone number 615-348-1977 on March 28, 2017.

6. OnDeck's records do not show any calls to telephone number 615-348-1977 before the March 28, 2017 call.

7. OnDeck's records show that the last call in its records placed to telephone number 615-348-1977 occurred on May 3, 2017.

8. OnDeck's records do not show any calls to telephone number 615-348-1977 after the May 3, 2017 call.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Callahan, TX on this 26th day of February, 2021.



Hitesh Patel